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FLANAGAN AND ASSOCIATES

BY: Joseph F. Murphy, Esquire

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Attorneys for Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

LLOYD RAHN,

Plaintiff

v.

BRODERSON MANUFACTURING
CORPORATION and CARSON
CRANE, INC.,

Defendants

No. 1:01-CV-033

J. Rambo

CIVIL ACTION LAW

JURY TRIAL DEMANDED

FILED
HARRISBURG, PA
JUN 20 2002
MARY E. D'ANDREA, CLERK
Per

MOTION OF PMA GROUP TO INTERVENE

1. Plaintiff Lloyd Rahn filed a Complaint and thereafter an Amended Complaint on May 2, 2001 in this court.
2. This action arises out of an accident that took place on or about March 22, 2000 at the Baker Refractories's Quarry facility located in York County, Pennsylvania. (See Plaintiff's Complaint at paragraph 5).
3. At the time of the accident, Plaintiff was operating a crane that was manufactured by Broderon Manufacturing Corporation. (Plaintiff's Complaint at paragraph 7).
4. As a result of the accident, Plaintiff Rahn suffered serious injuries, which are more fully described in Plaintiff's Complaint.
5. At the time of the accident, Plaintiff Rahn was employed by Baker Refractories.

6. At the time of the accident, movant PMA Group was the worker's compensation carrier for Plaintiff Rahn's employer, Baker Refractories.

7. As a result of the accident, movant PMA Group paid substantial sums of money to and on behalf of Plaintiff Rahn in the form of medical expenses and lost earnings as required by the Pennsylvania Workmen's Compensation Act.

8. PMA Group is subrogated to Plaintiff Rahn's recovery in this matter by reason of its payment of the aforementioned worker's compensation benefits and pursuant to 77 P.S. §671.

9. PMA Group by this Motion seeks to intervene in this matter pursuant to Rule 24 of the Federal Rules of Civil Procedure. (A true and correct copy of proposed Intervenor Complaint is attached hereto as Exhibit 'A').

10. Counsel for Plaintiff Rahn has represented to PMA that any settlement of this case would include an anticipated compromise of petitioner PMA's lien, as well as proposed settlement of future worker's compensation benefits to which Plaintiff may be entitled.

11. Movant PMA Group avers that it has a right of intervention pursuant to F.R.C.P. 24(a) in that it has an interest in the outcome of this litigation, and it is so situated that the disposition of the action may as a practical matter impair or impede its ability to protect that interest, and that its interest is not adequately represented by existing parties.

12. Specifically, Plaintiff Rahn has taken a position in this matter, which is, or may be directly adverse to the interests of movant PMA Group.

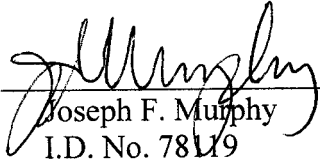
13. In the alternative, movant PMA seeks permissive intervention by way of F.R.C.P. 24(b) in that its subrogation claim in this case and Plaintiff Rahn's action have common questions of both law and fact.

14. Permitting intervention in this matter will not unduly delay or prejudice the adjudication of the rights of the original parties to the action in that the case is still in the discovery phase, and it is anticipated that one or more additional defendants may be joined in the action.

15. A true and correct copy of the proposed intervention Complaint is attached hereto as Exhibit A as required by F.R.C.P. 24(c).

WHEREFORE, movant PMA Group respectfully requests that this Honorable court grant the Motion to Intervene and permit movant to file an intervention complaint.

FLANAGAN & ASSOCIATES

BY: 
Joseph F. Murphy
I.D. No. 78119
150 E. Chestnut Street
Lancaster, PA. 17602

Date: 6-19-02

CERTIFICATE OF SERVICE

I, Joseph F. Murphy, Esquire, hereby certify that I have this day served the foregoing Motion of PMA Group's to Intervene on the following person and in the manner indicated below:

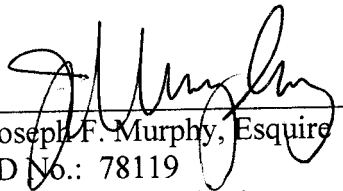
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FLANAGAN AND ASSOCIATES

By: 
Joseph F. Murphy, Esquire
ID No.: 78119
Attorney for Defendant

Date: 6-19-02

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Exh A

PMA GROUP'S INTERVENTION COMPLAINT

1. Intervenor PMA Group, P.O. Box 604, Lemoyne, Pennsylvania 17043 incorporates by reference herein as if set forth fully each and every allegation in Plaintiff's complaint.
2. PMA Group in its capacity as Plaintiff Rahn's employer's worker's compensation insurer paid Plaintiff certain sums as compensation for medical bills and lost wages as a result of the incident described in the complaint.
3. PMA Group was subrogated to Plaintiff Rahn's recovery in this action as to the sums paid by PMA Group.

WHEREFORE, Intervenor PMA Group requests that judgment be entered against all Defendants and in favor of Plaintiff's and PMA Group, as their interest shall appear at trial, plus delay damages and costs as permitted by law.

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